

Prince George's jury awards \$8M for assault in apartment building

By: Heather Cobun Daily Record Legal Affairs Writer July 14, 2017



An \$8 million verdict against a Prince George's apartment complex where a 12-year-old was sexually assaulted shows buildings 'must up their game until there is a reasonable level of security on the property,' says Timothy F. Maloney, a lawyer for the plaintiff. (File photo)

A Prince George's County jury has awarded \$8 million to a minor who was sexually assaulted in a Forestville apartment complex which failed to increase its security despite a history of problems with crime.

The jury returned the verdict after less than two hours of deliberation Thursday following a three-day trial, according to Timothy F. Maloney, a lawyer for the plaintiff. The defendants have indicated an intention to file post-trial motions, including a request to reduce the verdict based on Maryland's cap on noneconomic damages, which Maloney said will be litigated. The relevant cap would lower the verdict to \$800,000. The Oakcrest Towers apartment building had a history of criminal activity prior to the assault on a 12-year-old resident in May 2015, according to the complaint, and the plaintiff argued that history created a duty to increase security for tenants.

"The case, I think, sends a strong message that apartment managers have an absolute duty to take reasonable precautions to ensure tenants are safe and when those measures are not effective, they must up their game until there is a reasonable level of security on the property," said Maloney, a principal at Joseph Greenwald & Laake P.A. in Greenbelt.

In the five years before the incident, police had been called to the complex more than 500 times, according to the lawsuit. Maloney said there were 41 break-ins, two rapes and one murder on the premises during that period.

Despite this, security at the complex was inadequate, according to the complaint, with no security monitoring people entering the apartment building and insufficient video monitoring in general. One of the rear doors to the building was broken in the days leading up to the assault and is believed to be how Isiah Bogan, later convicted of the assault, may have entered the property.

Bogan was standing in the lobby of the victim's building on the morning of the incident and exposed himself to her, forced his way into the elevator with her and forced her to

the ground once they reached her floor, according to the complaint. He was arrested and pleaded guilty to second-degree sex offense.

The defendants contended they acted reasonably and the plaintiff could not prove how Bogan entered the property, Maloney said.

The apartment owners and management company were represented by Michelle J. Marzullo of Marks, O'Neill, O'Brien, Doherty & Kelly PC in Towson. Marzullo was not immediately available for comment Friday.

Kimberly Jones v. Scott Management LLP et al.

Court: Prince George's County Circuit

Case No.: CAL16-02126

Judge: John Paul Davey

Proceeding: Jury trial

Outcome: Verdict for plaintiff, \$8 million in noneconomic damages

Dates:

Incident: May 13, 2015

Suit filed: Feb. 12, 2016

Verdict: July 13, 2017

Plaintiff's Attorneys: Timothy F. Maloney and Matthew M. Bryant of Joseph Greenwald & Laake P.A. in Greenbelt

Defendants' Attorneys: Michelle J. Marzullo of Marks, O'Neill, O'Brien, Doherty & Kelly, P.C. in Towson

Count: Negligence